

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TRACY E. PALMEN,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-166-SLR
)	
DAVID WENDKOS and DAVID STACY OF DELAWARE, INC., t/a CASTLE DEALERSHIPS,)	
)	
Defendants.)	

**MOTION OF DEFENDANT, DAVID WENDKOS,
TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant, David Wendkos, by his undersigned counsel, moves to dismiss the Complaint of Plaintiff, Tracy Palmen, with prejudice. In support of Defendant's Motion, the Court is respectfully referred to the accompanying memorandum of law.

Respectfully submitted,

FOX ROTHSCHILD LLP

/s/ Jeffrey M. Weiner, Esquire #403
JEFFREY M. WEINER, ESQUIRE #403
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Counsel for Defendants

Date: April 26 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TRACY E. PALMEN,

Plaintiff,

V.

**DAVID WENDKOS and DAVID
STACY OF DELAWARE, INC.,
t/a CASTLE DEALERSHIPS,**

Defendants.

C.A. No. 05-166-SLR

ORDER

AND NOW, this day of , 2005, upon consideration of the Motion of Defendant, David Wendkos, to Dismiss Plaintiff's Complaint, and any response thereto, it is hereby ORDERED that Plaintiff's Complaint is dismissed as to Defendant, David Wendkos, in its entirety with prejudice.

BY THE COURT:

Sue L. Robinson, Chief Judge

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DAVID WENDKOS and DAVID)	
STACY OF DELAWARE, INC.,)	
t/a CASTLE DEALERSHIPS,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I, Jeffrey M. Weiner, hereby certify that a true and correct copy of the foregoing Motion to Dismiss of Defendant, David Wendkos, was E-served upon the following counsel of record, this date:

Charles M. Oberly, Esquire
Oberly, Jennings & Rhodunda, P.A.
800 Delaware Avenue, Suite 901
P.O. Box 2054
Wilmington, DE 19899
Attorneys for Plaintiff, Tracy Palmen

/s/ JEFFREY M. WEINER, ESQUIRE #403
JEFFREY M. WEINER, ESQUIRE #403

Dated: April 26, 2005